

REMARKS

In accordance with the preliminary interview held with the Examiner on September 11, 2008, applicant has amended the claims to remove problems from the use of multiple dependencies leaving only claims 25, 26 and 27 in multiple dependent format. Claims 25, 26 and 27 are however characterized by additional reception equipment such as a decoder and external security modules and not by additional method steps. For this reason, Applicant does not believe that these multiple dependent claims will effect substantive examination of the application. Moreover, Applicant paid for the privilege of filing multiple dependent claims and thus should not be denied this right except where specific problems are created from the use of multiple dependency which Applicant believes no longer exist.

In addition, applicant has amended the specification so that the clauses preliminary to the detailed description of the invention conform to the format as set forth in the office communication on page 3. Applicant has also amended the abstract as requested by the Examiner and has submitted new corrected drawings, with each drawing identified as a "REPLACEMENT SHEET". Each of the squares in the drawings have now been identified using functional language in accordance with the specification and without the introduction of new matter.

The specification has also been amended to remove grammatical errors located by applicant. If the Examiner finds any additional grammatical errors, applicant will promptly correct them.

The rejection of claims 39-41 under 35 USC 101 is respectfully traversed. Applicant has amended claims 39-41 so that the computer program is recited as being stored in a computer readable medium in the reception equipment. As indicated by the Examiner,

software stored on computer readable medium that can be executed by a computer falls within the statutory category in compliance with the requirements of 35 USC 101.

Accordingly, this rejection should be withdrawn.

The rejection of claims 1-42 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is respectfully traversed.

Applicant has amended claims 1-18 and 21-42 to satisfy the Examiner's objections. The claims have been amended to overcome the problem of antecedence basis and to eliminate the problems due to prolific multiple dependencies in the claims. In addition, claims 4-10 have been substantially amended to identify each of the steps in the method relative to the newly amended phrase "verification phase of claims 2 and 3". The same entity is now used in each of the claims. Accordingly, the rejection of claims 1-42 under 35 USC 112, second paragraph, should now be withdrawn.

The rejection of claims 1-42 under 35 USC 102(b) as being anticipated by USP 6,405,369 to Tsuria is respectfully traversed.

For a rejection to be proper under 35 USC 102, all of the features in the claims must be shown in the cited single reference and in the same arrangement.

The Examiner's allegation that the reference Tsuria '369 teaches memorizing on the fly, the unique identifier of the connected security module (6,8) in the reception equipment (2) and makes reference to Col. 1, lines 61-65 and Col. 3, lines 1-5 in Tsuria '369. Applicant respectfully disagrees with the Examiner's conclusion. Executing the computer program to memorize on the fly the unique identifier of the connected security module in the reception equipment is fundamental to the subject invention and is not taught in Tsuria. The

expression "on the fly" as used throughout the specification is a term of art which, as is well known to those skilled in the art, means "directly, without first saving the identifier on an intermediate medium" (see Wikipedia encyclopedia). This feature enables each operator to limit use of his collection of reception equipment by configuring and dynamically controlling the pairing of the reception equipment to external security modules that will cooperate with this equipment. Pairing is not done at the factory but is instead accomplished with the use of reception equipment which preferably includes a decoder provided with a removal security interface and a non-vital memory. The pairing is accomplished between the decoder and the removable security interface. The external security module is an access control card containing information about the access rights of the subscriber to the digital data and pairing is done between the decoder and the card. However, it is essential to the subject invention that the unique identifier of the connected security module be memorized on the fly at the outset once the securing module is connected to the reception equipment.

Col. 1, lines 55-65 of Tsuria discloses:

" - a first card which is operative, upon insertion in a first slot in the first card reader, to activate decoding of the pay television transmissions in the first decoder; and
- a second smart card which is operative, upon insertion in a second slot in the second card reader, to activate decoding of the pay television transmissions in the second decoder."

Col. 3, lines 15-34, also cited by the Examiner in Tsuria, discloses the following:

" The second instruction is transmitted in response to a match between the one of a signature, a key and a seed identifying the first smart card, and a corresponding one of a signature, a key and a seed identifying the second smart card.

There is also provided in accordance with a preferred embodiment of the present

invention a pay television access control method to be employed in a pay television system in which pay television programs are transmitted by a plurality of subscribers, each being entitled to receive selected programs, the method including:

- providing a first decoder activated by a first smart card to decode pay television transmissions, and a second decoder activated by a second smart card to decode pay television transmissions;

- deactivating the second smart card in accordance with predetermined criteria;

- removing the first smart card from a first card reader in the first decoder."

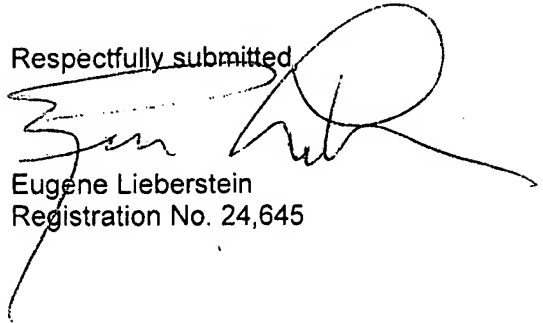
The above disclosure of Tsuria makes no mention or reference in either one of these columns of memorizing on the fly the unique identifier of the connected security module when the security module is connected to the reception equipment. Instead the smart card automatically activates decoding in the decoder upon insertion of the smart card into the card reader. Two decoders are required to be used to activate a first and second smart card for decoding the pay television transmissions using the second smart card for deactivation in accordance with a predetermined criteria. This has no relationship to the subject invention and does not require or suggest memorizing the unique identifier of the connected security module on the fly.

Accordingly, claims 1-18 and 21-42 are believed to be patentable over Tsuria over 35 USC 102 and the rejection thereof should be withdrawn.

The added claims 45-53 are dependent claims which are patentable for the same reasons as given above.

Reconsideration and allowance of claims 1-18, and 21-53 is respectfully solicited.

Respectfully submitted


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CERTIFICATE OF TRANSMISSION

I hereby certify that this Amendment is being submitted to the USPTO via EFS Web addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on January 26, 2009.

By 

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